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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,594	03/15/2004	Nobuto Kamiyama	03500.017961	8283
5514	7590	09/27/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			NGUYEN, HUNG	
			ART UNIT	PAPER NUMBER
			2851	

DATE MAILED: 09/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/799,594	Applicant(s) KAMIYAMA ET AL.	
	Examiner Hung Henry V. Nguyen	Art Unit 2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-15 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/25/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. At least figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. (See specification, page 6, line 8). See MPEP § 608.02(g).

Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Abstract

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because the reference characters must be in parentheses and the term of "comprises" in line 8 should be omitted.

Specification

3. The abstract of the disclosure is objected to because on page 7, line 14, reference to “he” should read --the--. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. As to claims 1 and 12, the recitation of “wherein said indicator member....and a second view point having an equal height to said feeding device and also sidelongly fronting the same device” is vague and indefinite. It is not clearly understood how the indicator member is configured and arranged for performing the function as claimed. Claim is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted element is: at least a second indicator member provided on the side surface of the feeding device for checking the original size from second view point, as claimed.

As to claim 7, the recitation of “wherein said aligning member is allowed to provide a feeling of clicking every time it is aligned with a predetermined original size” is vague and ambiguous. The recitation that an element is used to provide “a feeling” of performing a function is not a positive limitation and it does not constitute a limitation in any patentable sense.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. As best the claimed subject matters are understood (see rejection under 35 U.S.C. 112, second paragraph, *supra*). Claims are anticipated by references.

9. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Applicant's Admitted Prior Art of Figures 1-5.

With respect to claims 1-3, in the specification of the present invention, on page 6, lines 1 thru page 7, line 11, Applicants disclose "a publicly known device" comprising a original loading device for feeding a sheet-shaped original and having all structure set forth in the instant claims such as: a loading tray (2) for loading the original; an indicator member (7) member having a scale for indicating an original size and an alignment plate (5,6) for aligning a width direction of the original loaded on the loading tray and indicating the scale on the indicator member (see figure 1) wherein the indicator member is displaced so as the original size is either viewed from above or from the sides.

As to claim 2, AAPA of figure 1 discloses a closable upper cover (1) provided on the upper portion of the original feeding device where the indicator member (7) is positioned.

As to claim 3, AAPA of figure 1 discloses that the indicator member is disposed in the shape of a bent L-letter form the upper surface to the side surface of the upper cover.

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With respect to claims 4-10, AAPA of figure 1 teaches the indicator member (7) comprises a scale (A4, B5R, AA) for indicating the original size on each of the upper surface and the side surface of the upper cover, and the alignment member has a pair of rear member and a front member for aligning both sides of the original. AAPA further teaches a light emitting means (4) for indicating the original is accurately loaded on the loading tray and the alignment member has a protrusion (see figure 3) for pointing to the scale of the indicator member.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-2 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Shirakura et al (U.S. 2004/0056413).

With respect to claims 1-2 and 6, Shirakura et al discloses a original loading device for feeding a sheet-shaped original and comprising all of the limitations of the instant claims including: a loading tray (10) for loading the original; an indicator member (see figure 7) member having a scale for indicating an original size and an alignment plate (12) for aligning a width direction of the original loaded on the loading tray and indicating the scale on the indicator member (see figure 2) wherein the indicator member is displaced so as the original size is viewed from either the top view or from the side view (see figure 7).

As to claim 2, Shirakura discloses a closable upper cover provided on the upper portion of the original feeding device where the indicator member is positioned and light emitting means (22-23) is provided for detecting the original when it is accurately loaded on the loading tray.

Allowable Subject Matter

10. Claim 11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter: the prior art does not specifically disclose the combination of an original feeding device where an aligning member is made a pair by the rear member and the front member relative to the original feeding device, along with the other features, as recited in the claims of the present invention.

12. Claims 12-15 are allowed since the prior art of record either alone or in combination neither discloses nor makes obvious the combination of an original feeding device for feeding a sheet-shaped original having two separate first and second indicator members with a scale for indicating the original size wherein the second indicator is provided on a side surface of an upper cover of the original feeding device, and along with a first and a second aligning members, with particular structures, functions, and arrangement of these elements, as recited in the instant claims of the present invention.

Prior Art Made of Record

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Katamot et al (U.S.Pat. 5,716,046) and Kwan-Bo (U.S.Pat. 5,812,280) discloses original feeding devices and have been cited for technical background.

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14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Henry V. Nguyen whose telephone number is 571-272-2124. The examiner can normally be reached on Monday-Friday (First Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hung Henry V Nguyen
Primary Examiner
Art Unit 2851

hvn
9/25/05